



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

Refer to:
OSB2000-0197-A &
OSB2000-0275-A

March 15, 2001

Mr. Barron Bail
District Manager
BLM - Prineville District
P.O. Box 550
3050 NE 3rd Street
Prineville, Oregon 97754

Re: Amendment of Terms and Conditions in January 2, 2001 (Deschutes) and January 17, 2001 (John Day) Biological Opinions on the Effects of Livestock Grazing Allotments Administered by the Prineville District of the Bureau of Land Management on Middle Columbia River Steelhead and their Designated Critical Habitat

Dear Mr. Bail:

On February 5, 2001, Randy Tweten and Ron Lindland of National Marine Fisheries Service (NMFS) met in Prineville, Oregon with you and your staff from the Bureau of Land Management (BLM) Prineville District's Deschutes and Central Oregon Resource Areas and BLM's Oregon State Office. The main purpose of the meeting was to discuss and provide clarification of the Reasonable and Prudent Measures and Terms and Conditions listed in NMFS' January 2, 2001, biological opinion (OSB2000-0275) "Bureau of Land Management Grazing Activities Affecting Middle Columbia River Steelhead, 2000 and 2001, Lower Deschutes River Basin" and NMFS' January 17, 2001, biological opinion (OSB2000-0197) "Livestock Grazing on Lands Administered by the Bureau of Land Management in the John Day River Basin, 2000 and 2001." Based on the discussion at that meeting, NMFS believes that, for purposes of clarification, rewording of certain Terms and Conditions listed in each of the above referenced biological opinions is appropriate. Terms and Conditions in which the wording would change are 1(a), 1(e), and 2(a) in both biological opinions and 1(c) and 2(e) in the Lower Deschutes River Basin biological opinion.

Wording, as it currently exists, for these Terms and Conditions is as follows:

1(a): Identify which specific stream reaches within or adjacent to the BLM portions of range allotments covered by this Opinion currently provide suitable spawning habitat for MCR steelhead.



1(c): Prioritize the sensitivity of those stream reaches to grazing impacts based on Rosgen's stream channel types quantity, quality, and concentration of MCR steelhead spawning habitat within each stream reach.

1(e): Based on this prioritized list, the Level 1 Team for the Prineville BLM Deschutes/ Central Oregon Resource Area shall determine on which of those stream reaches it is necessary to eliminate access by livestock, during those times when eggs or pre-emergent fry would be expected to be present in the gravel to avoid take of spawning adult MCR steelhead, their eggs, or pre-emergent fry.

2(a): Comply with all reasonable and prudent measures, terms and conditions, provided with NMFS' June 22, 1998 biological opinion, "Section 7 consultation on the Effects of Continued Implementation of Land and Resource Management Plans on Endangered Species Act Listed Salmon and Steelhead in the Upper Columbia and Snake River Basins" (NMFS 1998).

2(e): Develop and fully implement within three years a plan to provide complete rest from grazing for the BLM-administered pastures along Buck Hollow Creek within the Buck Hollow (7558), Ashley (7588), and W.L. Webb (7579) allotments. In total, these pastures border approximately 3.95 miles of Buck Hollow Creek. Information provided in the BA indicates that the riparian area and instream habitat of Buck Hollow Creek is currently in a degraded condition within these allotments.

These Terms and Conditions are re-worded as follows:

1(a): Change "stream reaches" to "Deschutes River tributary stream reaches" in the Deschutes biological opinion and to "reaches of streams tributary to the mainstem, North Fork, Middle Fork, and South Fork of the John Day River" in the John Day biological opinion.

1(c): Prioritize the sensitivity of those stream reaches to grazing impacts based on Rosgen's stream channel types and the quantity, quality, and concentration of MCR steelhead spawning habitat within each stream reach.

1(e): Based on this prioritized list, the Level 1 Team for the Prineville BLM Deschutes/ Central Oregon Resource Area shall recommend to management on which of those stream reaches it is necessary to eliminate access by livestock, during those times when eggs or pre-emergent fry would be expected to be present in the gravel to avoid take of spawning adult MCR steelhead, their eggs, or pre-emergent fry.


2(a) in both biological opinions: Comply with all reasonable and prudent measures and terms and conditions, which are applicable to grazing actions, provided in NMFS' June 22, 1998 biological opinion, "Section 7 consultation on the Effects of Continued Implementation of Land and Resource Management Plans on Endangered Species Act Listed Salmon and Steelhead in the Upper Columbia and Snake River Basins" (NMFS 1998). Specifically, these are Term and

Condition 2 (Mechanism 2 (a)1 and 2(a)2 as described in Appendix 2), and Term and Condition 4 (as it applies to grazing) described in Appendix 2 of the June 22, 1998 biological opinion. Mechanisms 2(a)1 and 2(a)2 describe the development of and expectations of the Interagency Implementation Team (IIT) for livestock grazing. Term and Condition 4 of the June 22, 1998 biological opinion reiterates the importance of the BLM exercising its existing authority under section 7(a)(1) of the Endangered Species Act by carrying out programs for the conservation of endangered and threatened species.

2(e) in the Deschutes biological opinion: Develop and fully implement within three years a plan to accelerate the recovery rate of aquatic habitat parameters (riparian vegetation, streambank stability, width/depth ratio, etc.) in Buck Hollow Creek in stream reaches encompassed by or adjacent to BLM-administered pastures along Buck Hollow Creek within the Buck Hollow (7558), Ashley (7588), and W.L. Webb (7579) allotments. In total, these pastures border approximately 3.95 miles of Buck Hollow Creek. Information provided in the BA indicates that the riparian area and instream habitat of Buck Hollow Creek is currently in a degraded condition within these allotments. Timing and degree of implementation of this Term and Condition would depend on the ranking of Buck Hollow Creek once the prioritized list required under Term and Condition 1(e) of the Deschutes biological opinion is developed by the Level 1 Interagency Team.

I appreciate the interest you and your staff have in assuring we have common understanding of our efforts. If you have further questions, please don't hesitate to contact Randy Tweten at 503.231.2202 or Ron Lindland at 503.231.2315 of my staff in the Oregon State Branch Office.

Sincerely,


for Donna Darm
Acting Regional Administrator

cc: Jeff Dillon, Fish and Wildlife Service
Steve Pribyl, Oregon Department of Fish and Wildlife
Rich Gritz, Malheur National Forest